

Consulting with Tribal Natural and Cultural Resource Offices Throughout the Life of a Transportation Project

Whose Who and What Do They Do:

FHWA ~ Sharon Love, FHWA Environmental Program Manager (360) 753-9558 sharon.love@fhwa.dot.gov

- Provides support to policy guidance for Area Engineers; coordinate statewide policy and process improvements.

FHWA Area Engineers

- The primary contact for projects. You can identify the appropriate Area Engineer at www.fhwa.dot.gov/wadiv.

WSDOT Tribal Liaison ~ Colleen Jollie (360) 705-7025 jolliec@wsdot.wa.gov; www.wsdot.wa.gov/tribal

- Promote full effective communication between the tribes and WSDOT.

WSDOT Environmental Services Tribal Liaison ~ Megan Beeby (360) 705-7494 beebym@wsdot.wa.gov

- Tribal intergovernmental relations focused on natural and cultural resources, policy development

WSDOT Cultural Resources Manager ~ Sandie Turner (360)570-6637 turners@wsdot.wa.gov

- Office reviews projects to ensure they are in compliance with NHPA Sec. 106.

Regional Tribal Coordinators

- Each WSDOT region has a tribal coordinator who, in addition to their regular duties, provides a local contact point for tribes

TPEAC Tribal Liaisons

- WSDOT funds a position for one representative from the Northwest Indian Fisheries Commission, Upper Columbia United Tribes, and Columbia River Intertribal Fish Commission to keep tribes informed and engaged in the Transportation Permit Efficiency and Accountability Committee (TPEAC).

Governor's Office of Indian Affairs www.goia.wa.gov

- For a copy of the tribal directory and information on treaties.

Next Steps

- Get feedback from tribal and state transportation representatives on our current consultation process.
- Discuss needed changes
- Articulate changes in WSDOT procedures and updated Centennial Accord Plan

Why Consultation?

March 2005

Treaty Rights

- Between 1854-1856, seven separate treaties were negotiated with tribes throughout Washington. Tribes reserved a number of rights, including the right to fish in their Usual and Accustomed Areas. These treaties are protected as the “supreme law of the land” in Art. VI Sec. II of the US Constitution and have been further affirmed and clarified by judicial review and legislative action.

WSDOT Executive Order, 1025.00

- Establishes WSDOT's commitment to government-to-government consultation with tribes.
- Consultation means “respectful, effective communication in a cooperative process that works towards a consensus, before a decision is made or action is taken.”

National Environmental Policy Act (NEPA)

- NEPA and its implementing regulations require federal agencies to integrate environmental considerations into their decision-making.
- Tribes can be involved in three capacities under NEPA: as a cooperating agency (agency with jurisdiction or expertise), consulting party or affected community.

Centennial Accord

- 1989 agreement between the State of Washington and Tribes committing to government-to-government relationships.
- The WSDOT Centennial Accord Plan describes how each of the departments and offices work with the tribes.

National Historic Preservation Act (Sec. 101 & 106)

- Section 106 requires Federal agencies to take into account the effects of their undertakings on historic properties and consult with any affected tribal governments.
- “Section 101(d)(6)(B) of the act requires the agency official to consult with any Indian tribe or Native Hawaiian organization that attaches religious and cultural significance to historic properties that may be affected by an undertaking. This requirement applies regardless of the location of the historic

property. Such Indian Tribe or Native Hawaiian Organization shall be a consulting party”.

- WSDOT consults with non-federally recognized tribes as “additional consulting parties” per 36 CFR 800.2(c)(5).
- WSDOT has an agreement to conduct NHPA compliance on behalf of FHWA.

Centennial Accord

- 1989 agreement between the State of Washington and Tribes committing to government-to-government relationships

We're Building Capability Together

- Programmatic Agreements with 7 Tribal Historic Preservation Offices (Makah, Skokomish, Squaxin Island, Lummi, Colville, Spokane and Umatilla).
- Quarterly meetings of Tribal Cultural Resource Managers (beginning March 05).
- Service contracts to utilize tribal expertise for natural and cultural resources.
- 3 Transportation Permitting Efficiency and Accountability Committee (TPEAC) Tribal Liaisons from Columbia River Intertribal Fish Commission, Northwest Indian Fisheries Commission and Upper Columbia United Tribes, to share information with tribes.
- Strengthening WSDOT's cultural resources office with technical expertise.

Why this document?

“Consultation is more than just a hurdle to overcome on a project”

-Washington State Senator Dan Swecker

“Section 101 & 106 is a process and tribal consultation is about relationships and communication for project delivery”

- Colleen Jollie, WSDOT Tribal Liaison

- Each tribe, WSDOT region and project is unique; Because of the myriad of consultation requirements and opportunities, we've created this document to share some great consultation examples. For specific consultation requirements, please refer to the regulations and WSDOT Environmental Procedures Manual.



**Washington State
Department of Transportation**



